

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA,

v.

ULYSSES MCFARLIN

Case No. 4:06-cr-00207-TLW-001

Order

This matter is before the Court on Defendant Ulysses McFarlin's motion for early termination of supervised release. The Court denies the motion.

McFarlin pled guilty to a charge of conspiracy to possess with intent to distribute and to distribute 50 grams or more of cocaine base and 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 846, and 851. On March 20, 2008, the Court sentenced him to two hundred twelve (212) months of imprisonment and ten (10) years of supervised release. ECF No. 507. Defendant's sentence was later reduced to one hundred sixty-eight (168) months of imprisonment. ECF No. 620. On February 26, 2018, Defendant began his term of supervised release. His probation term is scheduled to expire on or about February 26, 2028.

A district court may terminate a defendant's term of probation if, in the case of a felony, the defendant has completed at least one year of probation and, after considering the § 3553(a) factors, the court "is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3564(c). Defendant's motion for early termination states that he has made positive lifestyle changes while on supervised release, including maintaining employment, returning to school, and remaining drug free. See ECF No. 799.

The Defendant has made certain improvements while on supervised release. However, he was convicted of a serious offense — conspiracy to possess with intent to distribute and to distribute 50 grams or more of cocaine base and 500 grams or more of cocaine. He was a drug dealer who was held accountable for 2.5 kilograms of crack cocaine. PSR ¶ 62. Defendant is in a criminal history category of VI. PSR ¶ 55. Defendant has a significant criminal history for various drug related offenses dating back to 1996. These drug offenses include a 1999 distribution of crack cocaine conviction for which he served a Youthful Offender Act Sentence, and simple possession of marijuana convictions in 2002, 2005, and 2006. PSR ¶¶ 39 41, 47, 50. It is also noteworthy that, at the time he committed the offense of conviction, the Defendant was on supervision for a 2005 failure to stop for blue light conviction. PSR ¶ 52. At present, Defendant still has fifty-eight (58) months of supervised release remaining, as his term of supervised release does not expire until February 2028. For the reasons stated, and after considering the § 3553(a) factors, the Court concludes that early termination of his term of supervised release is not warranted.

For these reasons, McFarlin's motion for early termination of supervised release, ECF No. 799, is **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

May 2, 2023
Columbia, South Carolina